

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday September 29, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

MINUTES:

- The drafted Minutes of the Regular Meeting of September 15, 2017 was considered for approval.

Presiding Appellate Officer Chairman Liotta presented the minutes of the September 15, 2017 Regular Meeting for approval.

Motion: Commissioner Liotta made a motion to approve the minutes of the September 15, 2017 Regular Meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Thomas Phillip Williams v. Fitness Together & Sentinel Insurance Company LTD&/or Markel Insurance Co. File # CM2015-00691Q

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bob Burke represented the Claimant, Gregg G. Fuller represented the Respondent Markel Insurance Co., and Steve Kuperman represented the Respondent Sentinel Insurance Co. LTD.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order, deny Respondent's motion to dismiss appeal, and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Carla Young v. Central State Community Services of Oklahoma Inc. & CompSource Mutal Ins. Co. (FKA CompSource Oklahoma) File # CM2015-06452Q

Respondent Central State Community Services of Oklahoma Inc. filed an appeal from the order issued by Administrative Law Judge Egan. Rodney Palmer is the attorney of record for the Claimant and did not appear; Jacob Jean represented the Respondent Central State Community Services of Oklahoma Inc. and CompSource Mutual Ins. Co.; Loretta Jones represented Healthcare Innovations of Oklahoma LLC and Travelers Indemnity Co. of America; and Kelly Bodell represented Girling Health Care Inc. and Arch Insurance Co.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Jesus David Contreras v. Air System Components, Inc., & Indemnity Insurance Co. of North America, File # CM2016-01777A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney represented the Claimant and represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Mark Dwayne Carter v. City of Tulsa (Own Risk #10435), File # CM2016-02420F

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt represented the Claimant and Steven Kuperman represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Mark J. Soukup v. National Gypsum Co., & Ace American Insurance Co., File #CM2015-01425X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John L. Harlon represented the Claimant, and Christina Cupp represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Jimmy L. Stamper v. Chilis Inc., Safety National Casualty, File # CM2016-02891X

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Lou Berkowitz represented the Claimant, and John A. McCaleb represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Donna Jean Kastning v. Osage County Assessor & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File # CM2016-04397F

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Bob Burke represented the Claimant, and Jace H. Powell represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Anthony Joseph Sylvester v. Green Country Physical Therapy & Zurich American Insurance Co, File # CM2016-04493F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Mike Jones and Bob Burke represented the Claimant and Richard W. Wassall represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order dismissing the claim with prejudice and instruct Commission Counsel or other staff member to draft a proposed order with findings of facts and conclusions of law.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER REVERSED

Charlie Hardaway v. City of Tulsa (Own Risk #10435), File # CM2016-05341R & CM2016-05342Y

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell Paul the Claimant and Patrick S. Parr represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

A. Commission Consideration of Adoption of Final Order in the Following Case:

**O'Neal R. Gillispie v. Estes Express Lines Inc. & New Hampshire Ins. Co.,
File #CM2014-03399K**

Claimant and Respondent both filed an appeal from the order issued by Administrative Law Judge Sommer. Joey Chiaf represented the Claimant, and J. Nick Crews represented the Respondent.

This case came on for Oral Argument on September 15, 2017. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to remand the Administrative Law Judge's order for specific findings related to Claimant's PTD status, and instructed Commission Counsel or other staff member to draft a proposed order to that effect.

Motion: Commissioner Russell moved to continue this matter to a later date.

Second: Commissioner Tilly

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: CONTINUED

Announcements

Commission's next regular business meeting is Thursday, October 19, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, October 20, 2017.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:37p .m.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.